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Attorney for Plaintiffs

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA

In re:	)	Bankruptcy Case No.: 00-27064-C-7
	)	
Keith L. Wedin,	)	
	)	
Debtor,	)	
	)	
Olive Medical Group,	)	Adversary Proceeding No.: 07-02220-C
	)	DBJ-2
Plaintiffs,	)	MOTION FOR ORDER AUTHORIZING
	)	SERVICE OF SUMMONS BY
vs.	)	PUBLICATION AND MAILING
	)	[USCS Bankruptcy R 7004(c)]
Keith Wedin,	)	Date: 09/18/07
Defendant.	)	Time: 9:30 a.m.
	)	Dept: tba

Comes now, Plaintiff, Olive Medical Group, by and through Douglas B. Jacobs,  
their attorney of record and submits the following Motion for Order Authorizing Service  
of Summons by Publication and Declaration of Douglas B. Jacobs, pursuant to USCS  
Bankruptcy R 7004(c).

**FACTS**

1 Olive Medical Group is the Plaintiff in an adversary proceeding  
2 against, Keith Wedin, the defendant in this action. The basis of the  
3 adversary proceeding is to effect a prior settlement agreement with Keith  
4 Wedin's ex wife, Sharon Wedin. In the agreement, Mr. Wedin was to  
5 assign his interest in the real properties owned by Olive Medical Group to  
6 Sharon Wedin. Olive Medical Group is a joint venture of which Keith Wedin  
7 was vested in. While an order was made by the bankruptcy court assigning  
8 the interest, Mr. Wedin never formally assigned his portion of the  
9 properties to Mrs. Wedin. Olive Medical Group now has the subject  
10 properties in escrow. The sale cannot go forward without Keith Wedin  
11 being removed from title and replaced by Sharon Wedin. Once Sharon  
12 Wedin is on title, the escrow can be closed.  
13  
14  
15

16 Plaintiff has attempted to locate Mr. Wedin, to no avail. Numerous  
17 attempts have been made through friends and relatives of Keith Wedin's to  
18 have Mr. Wedin contact one of the parties of this case and/or provide a  
19 current mailing address. No mailing address has been provided.  
20

21 Keith Wedin is believed to own real property in Butte County,  
22 California; specifically 9544 Athena Way in Durham. Plaintiff, Olive Medical  
23 Group believes and thereon alleges that proper service can be made on  
24 Keith Wedin by publication in a newspaper of general circulation in Butte  
25 County, California.  
26

## LEGAL AUTHORITIES AND ARGUMENT

### 1. Plaintiff May Bring A Motion to Order Publication of Summons

USCS Bankruptcy R 7004(c) provides that the court may order service by publication in an adversary proceeding only when that proceeding is one to determine or protect property rights in the custody of the court. In addition to publication, a copy of the summons, notice and complaint must be sent by first-class mail, postage prepaid, to the last known address of the adverse party.

In the present case, the adversary proceeding is one to determine property rights within the jurisdiction of the court.

## CONCLUSION

The defendant in this action, Keith Wedin cannot reasonably be located for service of the summons in this action. The Plaintiff, Olive Medical Group requests a court order authorizing publication of the summons in the Chico Enterprise Record, a publication of general circulation. Butte County is "home" to Mr. Keith Wedin. It is believed that Keith Wedin owns the real property located at 9544 Athena Way in Durham, California. The court has the authority to authorize publication of the summons if the action is one to determine property rights in the

1 custody of the court.

2  
3 8/3, 2007

JACOBS, ANDERSON, POTTER & CHAPLIN, LLP

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5  
6 By: 

Douglas B. Jacobs, Attorney for Plaintiff